

INDEX TO WITNESSES
W. E. "BILL" SMITH CASE

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NAME, ADDRESS AND
KIND OF BUSINESS

JOHN GOODMAN

5 Capital Life
Insurance Co.,

Denver, Colo.

Material:

DEVELOPMENTS FROM INVESTIGATION

Can testify that about 8 A. M. March 10, 1923 he was occupying a room at the Smith-Williams Hotel, Peirick, Okla.; that at that time he had arisen, and looking out of his bedroom window which faced south, he noticed a bright flame that flared up and died out rapidly two or three times; that this flame was located about two blocks southwest, almost south of where he was standing; that by its light he could see the Gable of the north end of the house from which the flame appeared to be flaring; that the flame rose as high as this Gable; that almost immediately the flame went out; threw him back on his bed and broke the glass in his window; that he later went out and found that the explosion was at Bill Smith's house; and that the house was demolished and in flames.

REPORT
REFERENCE

Page 676
Par. 1

REMARKS

See report and question
fully before using be-
fore Grand Jury.

M. C. McNEW,
Santa Fe Agent,
Fairfax, Okla.

Material.

2.

Can testify that on March 10, 1923, at about 2:50 A. M. he was up with a sick member of his family when a terrific explosion occurred that shook and damaged his home, located two doors south of the than W. E. Smith home in Fairfax, Okla.; that he went out to investigate and found the Smith home demolished by the explosions and in flames; that he saw the mangled corpses of Mrs. Rita Smith and Nettie Brookshire recovered from the burning ruins, and the still living body of W. E. Smith rescued from the debris. Mr. McNew can also furnish the names of other neighbors who can testify to substantially the same effect.

Can testify that on March 9, 1923, Edna Oller, intimate friend and associate of Bill Hale, sent from Fairfax, Okla., to W. K. Hale, Campbell, Texas, a telegram reading: "Deal stands good. I will go in the morning." Suspected that this telegram has reference to blowing up Smith's house. Can also testify that about 2 A. M. March 10, 1923, he heard what appeared to be a Ford car pass his house going south; that this car stopped at the south end of the block and a man got out and walked back north toward the Smith house; that about 2:35 A. M. that morning he heard a car going south at high rate of speed and judging from sound of motor, a Ford car.

3.

Page 675
Par. 2

Page 671
Par. 1

Appena and question
ally before using
before Grand Jury.

DR. J. G. SHOWN,
Fairfax, Okla.

2.

Can testify that W. B. Smith was taken from the ruins of his demolished home to Drs. D. A. and J. G. Shoun's hospital where he died four days later as a result of injuries received in the explosion.

Stated to Agent Weakley that the day before the explosion Mrs. W. K. Hale asked his (Shoun's) wife if they had moved all their furniture from the house which Smith had purchased.

Material.

Can testify that after the Anna Brown murder Smith said a number of times that Bryan and Ernest Burkhart and Bill Hale had killed her, and that he, Smith, expected them to blow him up or kill him at any time.

Subpoena and question
daily before using
before Grand Jury.

Page 375
Par. 3

Page 88
Par. 1 each

Page 670
Par. 1

DR. D. A. SHOUN,
Denver, Colo.
Last address,
Canyon City, Colo.

2.

Can testify that W. R. Smith was taken from the ruins of his demolished home to Drs. D. A. and J. G. Shoun's hospital where he died four days later as a result of injuries received in the explosion.

Stated to Agent Wright that on one occasion, after the explosion, and just before his death, and when Smith was of sound and rational mind, Smith stated, in Shoun's presence, that Bill Hale and Ernest Burkhardt were the only enemies he had on earth that he could suspect of having blown up his home and that he did not want to accuse them of the deed, at that time for the reason that he had no proof and might be wrong. Shoun "thinks" and is quite positive that Jeff Hutchin-son, D. E. Johnson, Henry Ward and Richard Grandall heard Smith make above state-ment.

Material.

Material.

3.

Page 676
Par. 3

Page 22
Par. last

By _____ and question
fully before using
before Grand Jury.

ROAN HORSE,
Grayhorse, Okla.

2.

Alleged that Grace Bighart stated that
Roan Horse, an Indian at Grayhorse, had
warned J. E. "Bill" Smith that Bill, Kale
and Ernest Burkhart would kill him, Bill
Smith.

Material.

3.

Page 185,
1st par.
Smith and question
ofly error, using be-
fore Grand Jury.

ROY SMITH,

Cornett's place,
Northwest of Fairfax,
Osage County,
East address,
Virgil, Kansas.

Material.

P. 1.

Alleged to have told Harve Freese that while in an apparently intoxicated condition, in a room in the Buckline Hotel in Oklahoma City, he overheard a conversation between Bill Hale and Henry Grammer (now deceased) at which time Hale cursed Bill Smith; that he heard Henry Grammer tell Hale that he could get men to bump Smith off for Hale for a little money.

3.

Page 894
Par. 1

Wyoona and question
ally before using
before Grand Jury.

This witness is said
to be a bootlegger.

HARRY FRESS,

Sheriff of Oeage Co.

Peabunake, Okla.

2.

Interviewed by Agent Burger on August 26 1935, at which time he stated that Smith came to his office a few days before Smith's home was blown up and asked him for some protection, stating that Bill Hale owed him \$7000. and refused to pay it and that he was going to bring suit against Hale; that Hale circulated that he was going to murder Smith; that about two or three days before the murder of Smith, Hale came to Fress' office and advised him that he owed Smith several thousand dollars and that Smith was going to sue him; that if he did sue him and Fress wanted to serve him, to just call him on the phone; that Hale said: "You know I cannot afford to be sued" and remarked that Smith was a G-- D-- S-- of a B----- for suing him.

Alleged that Fress stated that George Carney told him he, Carney, knows a girl at Fairfax (who has an illegitimate child) that knows all about the blowing up of Bill Smith's home.

3.

Page
Par.

subpoena and question
 fully before using
 Office Grand Jury.

Page 123
2nd par.

Material.

GEORGE CLARK,

Fairfax, Okla.

2.

It is that Harve Press stated that this witness, George Garney, knows a girl at Fairfax (who has an illegitimate child) that knows all about the blowing up of Bill Smith's home.

3.

Page 125,
2nd par.

Subj. and question
The jurors being be-
fore Grand Jury.

HENRY MORGAN,
Fairfax, Okla.

2.

Manager of Telaphons Co. at Fairfax. Stated to Agent Heckley that a day or two after Smith died a nurse at Dr. Shoune's hospital, whose name is Burkhart and is a sister of Ernest Burkhart, a nephew of Bill Hale, called Hale by phone at Pawnee and advised him that Bill Smith had died. She replied "is that so?" or some such phrase. Miss Burkhart said "I must see you right away". Hale said something about coming up to the hospital, and she replied "no", he said he would come to his home and leave the door open and she could come down there and see him. Morgan also stated that immediately after Smith died Lou Oiler called Hale from Ralston by phone, Hale at that time being somewhere in Texas, and that in making this call, it came over the wire that passed through the Fairfax exchange, and the operator at Fairfax caught the call; that he, Morgan, does not remember what the conversation was, but that Oiler is supposed to have left and met Hale some place en route to Pawnee, and then to Fairfax.

Material.

Page 87
Par. 2

3.

Deposits and question
by bill beiders using
before Grand Jury.

MISS BURKHART;

Fairfax, Okla.

Material

2.

Sister of Ernest Burkhart, niece of Bill Hale, and at the time of Smith's death was a nurse in Dr. Shouns' Hospital. Stated by Henry Morgan that shortly after Smith died she called Bill Hale on the phone at Pawhuska and advised him that Smith had died. Hale replied "is that so" or some such phrase; Miss Burkhart said "I must see you right away"; Hale said something about coming up to the hospital and she replied "no, he must not come up here"; then Hale said he would come to his home and leave the door open and she could come down there and see him.

3.

subpoena and question
ally before us in
before Grand Jury.

Page 87
Par. 2

GEORGE E. YINKER,
Pawhuska, Okla.

E.

Employed Wm. H. Brackett, a private detective, to investigate these murders, and has Brackett's reports. Expressed his opinion that Hale and the Burkhardt's were responsible.

S.

Page 44
Page 70
Par. 2

Answers and question
fully before using
before Grand Jury.

W. E. BRACKETT,
Fawcetta, Okla.

Private detectives employed by George
Tinker to investigate murder of W. E.
Smith; should have considerable infor-
mation.

Examined the ruins of Smith's home just
after the explosion, and noted that the
north siding of the house had been char-
red on the outside, indicating that it
had been soaked with kerosene or gaso-
line and fired at, or just prior to, the
time of the explosion, with the appar-
ent object of assuring that the house
would burn after being demolished. Can
also testify to the six foot hole blown
in the six inch concrete basement floor,
and the damage done to the stone founda-
tion and other parts of the house.

Material.

5.

Page 70
Par. 3

Page 67
Par. 1

subpoena and question
 fully before using
 before Grand Jury.

JOHN A. GUSTAFSON,
Gustafson Detective
Agency,

Kansas City, Mo.

2.

Was employed by the Administrator of the
Estate of W. E. Smith to investigate the
murder of Smith, and he should have re-
ports of such investigation.

3.

Page 70
Par. 1.

Subpoena duces tecum.
Question fully before
jury before Grand Jury.

Material.

JOHN MORAN,
Tulsa, Okla.

E.

Private detective employed to investigate murder of W. E. Smith; should have considerable information.

Page 195
Par. last

Subpoena and question
dually before being
before Grand Jury.

Examined the ruins of Smith's home just after the explosion, and noted that the north siding of the house had been charred on the outside, indicating that it had been soaked with kerosene or gasoline and fired at or just prior to the time of the explosion, with the apartment object of assuring that the house would burn after being demolished. Can also testify to the six foot hole blown in the six inch concrete basement floor, and the damage done to the stone foundation and other parts of the house.

Material.

Page 574
Par. 1

C. M. CROSSLAND,

Fairfax, Okla.

Last address, Runs
grocery store one
mile west of Lyman,
Okla., 20 miles
north of Fairfax.

Material.

2.

Stated to Agents Weide and Burger that he was night watchman of Fairfax the night Par. 1 of the Smith explosion; that just a few minutes before the explosion he saw the lights of a big car coming into Fairfax from the south; that he had justest down in a chair in the Smith Williams Hotel when the explosion occurred and threw him over backward in the chair; that he immediately rushed out and heard a big car leaving the vicinity of the Smith house and going south out of town.

3.

Page 296
Par. 1

persons and question
ably before being
before Grand Jury.

GEORGE JAMES,

Fairfax, Okla.

Material.

2.
Stated by G. K. Crossland that James told Crossland that he, James, saw and heard the car leave the vicinity of the Smith house just after the explosion; that the car went east a short distance, then turned around and went west, out of sight, at a high speed.

3.
Page 296
Par. 2

Subpoena and question
served before using
before Grand jury.

CHARLES HEMBREE,

Fairfax, Okla.

Materials

3.

Page 671
Par. 2

Can testify that on the night of March 9 and early morning of March 10, 1933, he was coming home from Ralston, south of Fairfax; that about six miles from Fairfax he heard a heavy explosion in the direction of Fairfax, about 3 P. M.; that a minute or two later he saw the headlights and heard the roar of some big car coming south from Fairfax at a high speed; that he thought it was some drunken Indians, and turned off the road and stopped his truck with the headlights thereof pointing into the road, and lit; that the approaching car passed him at a high speed and when it came into the light of his truck headlights he noted that there were two men in the front seat and the man driving was a stranger to him and had a small face; that the car had the curtains up, both headlights lit, and two "goose egg" side lights, and a light inside in the roof of the car; that the car passed him and he heard the screech of the brakes as it took the turn into Ralston a few seconds later. Hembree thinks he may recognize the driver if he ever sees him again, but is doubtful. He stated that he knew Kelsie Morrison well by sight but could not say that he ever thought Kelsie Morrison was one of the three men who were in the car that night at the explosion, and that this was the only

subpoena and question
daily before using
before Grand Jury.

CHARLES HENDREX,

(continued)

W. E. Copeland stated that after the coroners jury had been discharged he was talking to Hembre who told him that the car which passed him south of Fairfax on the night of the explosion was a Studer-baker.

Page 98
Par. 5

1.

A. M. BLOYED,
Police Dept.

Ponca City, Okla.

2.

Stated to Agents Weis and Burger on Jan. 24, 1924, that Kelleis Morrison was in Fairfax on the night of the explosion at Bill Smith's house; that nitroglycerine was stolen from a magazine located near Weisburg by unknown persons; that Kelleis Morrison had a brother living near Whiting at that time, who was not seen nor heard of afterward; that Morrison gave his brother \$500. to go to New Mexico for his health, as it was said he had tuberculosis, but in fact was a drug addict. Bloyed also stated that he knows Kelleis Morrison was at that time driving a Studebaker big six which had side or "goose egg" lights and an inside light and dark maroon in color. (This fits the description of the car seen by Charles Hembree.)

Material.

3.

Page 340
Par. last.

4.

subpoena and question
fully before being
before Grand Jury.

This witness was a
Deputy Sheriff of
Wagon County at the
Bill Smith's house
was blown up.

ROBERT ELLIOTT,

One mile south of
Fairfax, Okla.

2.

Stated to Agent Weakley that he was awakened by the explosion and saw the fire in Fairfax; that he called the telephone exchange and learned it was Bill Smith's house; that he and Ray Pennick got dressed in a hurry and went out and got his automobile out, and were waiting for Elliott's uncle to finish dressing when they saw a Ford car drive up the road going toward town; that Elliott and Pennick were then standing in the barn lot about 150 yards from the road and could not see who was in the car; that Pennick remarked at the time that it looked like Ernest Burkhart's car.

Material.

2.

Page 99
Par. 2

Abilene and question
fully before being
before Grand Jury.

RAY FRENICK

Care C. G. Jones,
Farmer, near
Hominy, Okla.

Material.

2.

Was working for Robert Elliott at time of explosion at Smith's home, and was with Elliott when they saw a Ford car pass Elliott's place going toward Fairfax a few minutes after the explosion. Alleged to have remarked to Elliott at the time that the Ford looked like Ernest Burkhart's car.

3.

Page 99
Par. 3

appears and question
ably before being
for Grand Jury.

DR. A. H. FRIEDMAN,
Fairfax, Okla.

2. It is alleged that this witness said he saw Kelsie Morrison and one Powell, Kelsie Morrison's brother-in-law, in the Silver Moon Cafe, Fairfax, (Ed Fincher, Proprietor), between 11 and 12 o'clock March 9, 1925, the night of the blow-up of Bill Smith's home; that Morrison was apparently drinking and Morrison mentioned to Dr. Friedman that he, Morrison, had just come from Oklahoma City in an auto and had taken the wrong road and was delayed in getting to Fairfax. (This corroborates statement of Ed Fincher, Proprietor, Silver Moon Cafe, Fairfax, Okla.)

Material.

5. Subsequent question
they were using her
187 Grand Jury.

This witness is a
Detective at Fairfax
Morrison and a
friend of the Male
Morrison.

ED FINOHER,
Fairfax, Okla.

Stated to Agent Wright that between 11 and 12 o'clock on the night of March 9, 1933, Keisie Morrison and Bill Powell were in his, Finohor's, cafe at Fairfax; that Morrison had been drinking and stated that he had just come in from Oklahoma City.

Alleged that Witness Finohor told Sam Turk that Keisie Morrison, in company with Aros Tucker and Bill Rivard, left Fairfax on March 9, 1933, about noon, in an automobile, going to Oklahoma City.

Material:

subpoena and question fully before using before Grand Jury.

her interviewed Finohor seemed afraid to give his name mentioned in connection with this case, but it is believed he will make a good witness.

Finohor, like many others, will talk after Bill Hale and allies are taken into custody.

3.
Page 17
Per. last.

Page 21,
End par.

AMOS TUCKER
Address unknown

20

Alleged that Kaloie Morrison, in company with Amos Tucker and Bill Rivard, left Fairfax, Okla., about noon on March 9, 1933, in an automobile, going to Oklahoma City. Information emanated from Ed Fincher, Prop., Silver Moon Cafe, Fairfax.

Further alleged that Morrison returned to Fairfax late the night of March 9, 1933.

Witness Tucker may have information as to the return trip of Morrison.

Page 21,
par 2.

7-10-33
The name of the person
and question fully be-
ing using before Grand
jury.

BILL RIVARD
Address unknown.

Alleged that Kelsie Morrison, in company with Bill Rivard and Abos Tucker, left Fairfax, Calif., about noon March 9, 1923, in an automobile, for Oklawaha City. This information emanated from Ed Fincher, Prop., Silver Moon Cafe, Fairfax.

It is further alleged that Morrison returned to Fairfax late the night of March 9, 1923.

Witness Rivard may have information as to Morrison's return trip to Fairfax the night of March 9, 1923.

Page 21,
par. 2.

See also subpoena
in question fully
before us in
Case No. 1923-1000.

W. A. Brown

U. S. Special Indian
Agent,
Lawton, Okla.

2.

This witness is alleged to have stated that he saw Kelsie Morrison and talked to him at the Federal Building, Oklahoma City, on the morning of March 10, 1933, where Morrison was attending Court; that Morrison mentioned to him, Crowe, that an explosion had occurred at Fairfax on Friday night or Saturday morning; that he, Morrison, seemed anxious to get away from Court and go to Fairfax, stating that he owned property adjacent to Bill Smith's home, indicating to Mr. Crowe that he, Morrison, had heard or knew the details of the explosion. Crowe stated that Morrison's line of talk was evidently made to leave a false impression on him, Crowe.

This witness may have other information material to this investigation.

Page 15. Subv. and Question
Last par. Add before using be-
fore Grand Jury.

J. G. FISHER,
Fairfax, Okla.

Material.

2. This witness can testify as to general conditions around Fairfax at the time of the murder of W. E. "Bill" Smith. He probably has detailed information of material value to this investigation.

This witness is alleged to know that Kelsie Morrison was in Fairfax the night of the blow-up of Smith's home, which resulted in Smith's death.

3. Page 5,
last par.

Subj. and question
fully before us being be-
fore Grand Jury.

This witness is a white
man and retired from
banking. He formerly
was State Representative.
He is said to be a man
of good character, but
will not talk at this
time.

HENRY CORNETT,
County Jail,
Anadarko, Okla.

2.

Cornett stated to Agent Smith and [redacted] that he knows an Indian who lives at Ponca City, Okla., who came to him, Cornett, prior to the murder of Bill Smith and family and told him, Cornett, that some men came to him, the Indian, and wanted him to go to Fairfax and point out some Indians that these men had been hired to kill by Bill Hale and the Barkharts; that Cornett advised this Indian against doing it, telling him that after these men killed the Indians, he would then be killed for knowing too much. Cornett states that he knows two men in the State Penitentiary at McAlester, who know all about the Smith murder.

3.

Page 790,
last par.

BID

Subpoena for question-
ing before Grand Jury.

This witness has resided in the Osage country for a long period, and was at the time closely allied with the high ranked criminal element of that section, and he knows the present criminals who he expects to be soon to co-operate with the Government in every particular.

EDITH FOX,
Pawhuska, Okla.

2.

On August 7, 1934, Kelsie Morrison told Special Agent Burger and former Agent Weiss that Edith Fox told him, Morrison, (referring to Bill Hale) "I know all about the Smith blowup. Aoe Kirby set it afire and was framed."; that Kelsie replied to her "I know all about it and have saved his 'D--- neck until now", meaning Hale.

Material.

3.

Page 563,
last par.

Edith Fox will be substituted for the Anna Brown case, at which time she will be fully questioned regarding the Bill Smith blowup.

4.

KELSI MORRISON

State Penitentiary,
McAlester, Okla.

Conspirator.

2.

It is alleged that Dr. A. H. Friedman, of Fairfax, saw Kelsie Morrison and one Powell Morrison's brother-in-law in the Silver Moon Cafe, Fairfax, between 11 and 12 O'clock, the night of the blowing of Bill Smith's home, March 9, 1928; that Morrison was apparently drinking and that Morrison mentioned to Dr. Friedman that he had just come from Oklahoma City in an automobile, and had got taken the wrong road and was delayed in getting to Fairfax.

Ed Fincher, proprietor of the Silver Moon Cafe, Fairfax, was interviewed by Special Agent Burger and corroborated statements of Dr. Friedman.

Sam Walk is alleged to have stated that he and Bob Parker saw Kelsie Morrison at Oklahoma City in the Federal Building, where he was attending court, about 10:45 March 10, 1928; that Morrison had plenty of time to drive from Fairfax to Oklahoma City after the explosion which destroyed Bill Smith's home, as the trip could have been made in three or four hours in a good car.

W. L. Crowder, Indian Agent, Fairfax, Okla., is alleged to have stated that March 10, 1928, he saw Kelsie Morrison and Talk with him at the morning of March 10, the day immediately following the explosion of the home of Bill Smith.

3.

Page 17, Morrison is now confined in the State Penitentiary at McAlester, Okla. He is unquestionably, in the judgment of the investigators, involved in the actual murder of several Okla. Indians as a prime conspirator with "H. Hale and the Burkhart boys," and the evidence at hand indicates that he to some extent is involved in the murder of W. B. Smith.